

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEANDRE TREMAIN THOMPSON, : Civil No. 1:15-cv-1927

Plaintiff :
:

v. :
:

DAVID RUSH, et al., :
:

Defendant. : Judge Sylvia H. Rambo

M E M O R A N D U M

Before the court is a report and recommendation (“R&R”) of the magistrate judge in which she recommends that Plaintiff Deandre Thompson’s (“Thompson”) claims against all defendants be dismissed with prejudice. The R&R was filed on October 24, 2018 and objections were due on November 7, 2018. Thompson filed two motions for extensions of time to file objections which the court granted. (Docs. 38, 40-42.) A third motion for an extension of time, filed on March 4, 2019, was denied. (Docs. 43 & 44.) Therefore, no objections to the R&R have been filed.

I. Legal Standard

When no objections to a report and recommendation are filed, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702

F. Supp. 2d 465, 469 (M.D. Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)).

II. Discussion

The initial complaint named as defendants twelve employees of Franklin County jail, a Franklin County commissioner and John Wetzel, Pennsylvania Secretary of Corrections. In an R&R filed on December 29, 2016, the magistrate judge recommended that the complaint be dismissed with leave to file an amended complaint with certain instructions. (Doc. 21.) The R&R was adopted on March 1, 2017, and an amended complaint was filed on November 30, 2017. (Doc. 32.)

The amended complaint names as defendants Trooper David Rush, Common Pleas Judge Carol Van Horn, Assistant District Attorney Lauren Soulcolve, and Magistrate Judges David Plum and Jody Eyer.

In the instant R&R, the magistrate judge recommends that the claims against Trooper Rush be dismissed because the statute of limitations had expired before the filing of the amended complaint. She recommends that the claims against Judge Van Horn and Magistrate Judges Plum and Eyer be dismissed on the basis of judicial immunity, and that the claims against Attorney Soulcolve be dismissed on the basis of prosecutorial immunity. The magistrate judge thoroughly analyzed these issues

and her findings are supported by law. The court finds no error in the recommendation, and therefore the R&R will be adopted.

An appropriate order will issue.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: March 18, 2019